

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHWESTERN DIVISION**

Randal R. Steen,	)	
	)	<b>ORDER</b>
Petitioner,	)	
	)	
vs.	)	
	)	
Timothy Schuetzle,	)	Case No. 1:07-cv-094
	)	
Respondent.	)	

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The Eighth Circuit granted the Petitioner's appeal, reversing this court's order dismissing the Petitioner's 28 U.S.C. § 2254 habeas petition as untimely and remanding for further proceedings.

The court, without passing on its merits, therefore **ORDERS** that the Respondent file an answer with the court within sixty (60) days from the date of this Order. Respondent's answer shall comply with the requirements of Rule 4 of the Rules Governing Section 2254 Cases in the United States District Court. The Clerk of Court is directed to serve the Respondent with copies of the petition in accordance with Rule 4 of the Federal Rules of Civil Procedure. The Petitioner's Motion for Reconsideration (Docket No. 7) and Motion to Remand (Docket No. 11) are **MOOT**.

Dated this 1st day of June, 2009.

/s/ Charles S. Miller, Jr.  
Charles S. Miller, Jr., Magistrate Judge  
United States District Court